

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Crim. No. 11-11 (DSD/JJG)

Plaintiff,

v.

REPORT AND RECOMMENDATION

Jose Antonio Soto,

Defendant.

JEANNE J. GRAHAM, United States Magistrate Judge

The above-captioned case came before the undersigned for a pretrial motion hearing on May 10, 2011. Ann Anaya appeared on behalf of the United States of America. Lyonel Norris appeared on behalf of Defendant Jose Antonio Soto. This case was referred to this Court for resolution of pretrial matters pursuant to 28 U.S.C. § 636 and Local Rule 72.1(a).

Presently before the Court are Defendant's Motion to Suppress Statements, Admissions and Answers (Doc. No. 12); Motion to Suppress Evidence (Doc. No. 20); and Motion to Suppress Evidence Obtained as a Result of Search and Seizure (Doc. No. 21). The United States and Defendant agreed at the hearing that the motions were moot given that no statements, admissions or answers were made by the Defendant prior to, at the time of, or subsequent to his arrest and no search and seizure occurred. Accordingly, the Court recommends that the motions be denied as moot.

Based on the files, records, and proceedings herein, **IT IS HEREBY RECOMMENDED** that:

1. Defendant's Motion to Suppress Statements, Admissions and Answers (Doc. No. 12) be **DENIED AS MOOT**;
2. Defendant's Motion to Suppress Evidence (Doc. No. 20) be **DENIED AS MOOT**; and
3. Defendant's Motion to Suppress Evidence Obtained as a Result of Search and Seizure (Doc. No. 21) be **DENIED AS MOOT**.

Dated: May 17, 2011

s/ Jeanne J. Graham

JEANNE J. GRAHAM
United States Magistrate Judge

NOTICE

Pursuant to Local Rule 72.2(b), any party may object to this Report and Recommendation by filing and serving specific, written objections by **June 2, 2011**. A party may respond to the objections within ten days after service thereof. Any objections or responses shall not exceed 3,500 words. The District Judge will make a de novo determination of those portions of the Report and Recommendation to which objection is made. The party making the objections must timely order and file the transcript of the hearing unless the parties stipulate that the District Judge is not required to review a transcript or if the District Judge directs otherwise.